

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
<i>ex rel.</i> JOSHUA LEIGHR,	)	
Plaintiffs,	)	
v.	)	Civil No. 4:13-cv-00988-SRB
	)	
SEARS HOLDINGS CORPORATION,	)	<b>Filed <i>Ex Parte</i> and Under Seal</b>
	)	
and	)	
	)	
KMART CORPORATION,	)	
Defendants.	)	

**NOTICE OF INTERVENTION AND SETTLEMENT  
AND APPLICATION FOR LIFT OF SEAL  
AND DISMISSAL OF ACTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States hereby notifies the Court of its decision to intervene in this action. The United States also hereby notifies the Court that the United States, Defendants Sears Holdings Corporation and Kmart Corporation (“defendants”), and Relator Joshua Leighr ("relator") have reached a settlement in the above-captioned case. The relator, through his counsel, consents to the dismissal of all claims against the defendants as to the relator with prejudice. The dismissal of the defendants as to the United States shall be with prejudice as to the “covered conduct” described in the settlement agreement between the parties and without prejudice as to all other claims.

The United States therefore requests that the Court lift the seal in this case so that the United States may disclose (1) this notice of intervention and settlement and application for lift of seal and dismissal, (2) the Court’s order unsealing and dismissing this action, (3) the relator’s

*qui tam* complaint, and (3) the settlement agreement between the parties to the public. The United States also requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. The relator consents to dismissal of all claims in this action with prejudice as to the relator. A proposed Order will be submitted.

Respectfully submitted,

Benjamin C. Mizer  
Principal Deputy Assistant Attorney  
General

Tammy Dickinson  
United States Attorney

By s/ **Thomas M. Larson**  
Thomas M. Larson, Mo. Bar 21957  
Assistant United States Attorney  
Charles Evans Whittaker Courthouse  
400 East Ninth Street, Room 5510  
Kansas City, Missouri 64106  
Telephone: (816) 426-3130  
Facsimile: (816) 426-3165

Michael D. Granston  
Patricia L. Hanower  
Allie Pang  
Attorneys, Civil Division  
United States Department of Justice  
P.O. Box 261, Ben Franklin Station  
Washington, DC 20044  
Assistant United States Attorney  
Telephone: (202) 514-6846

**ATTORNEYS FOR THE UNITED  
STATES**